

# Amendments to the NDNY Local Rules

Effective January 1, 2023

The proposed amendments detailed below were submitted or derived from comments received from the public, practitioners, judges and court staff during the May – June 2022 suggestion period. The changes were approved by the Board of Judges on September 16, 2022, subject to the review and approval of the Second Circuit Council. On September 27, 2022, the Second Circuit Judicial Council approved these changes. In addition, several of the Rules were modified to reflect citation, grammatical and/or administrative changes which do not materially alter the current rule. These amendments will become effective January 1, 2023 and supersede and/or supplement the specific sections set forth below.

## Summary Table of Changes to the NDNY Local Rules

Rule Number	Topic	Description of Change
5.1(f)	Service and Filing of Papers	Modified to require a defendant file a demand for a complaint within 14 days of filing a Notice of Removal of a Summons with Notice.
5.2(a)(5)	Personal Identifiers	Modified to reflect that a pro se litigants must include complete mailing address which will appear on the docket.
5.1.6	Documents to be provided to the Clerk	Modified to reflect that Settlement Statements should not be filed on the docket, but should be provided directly to the judge.
7.1(a)	Motion Practice: Briefing Schedule	Modified to reflect grounds for oral argument.
7.1(c)	Motion Practice: Cross-Motions	Modified to reflect that filing restrictions imposed by this Rule do not apply to multiple Summary Judgment motions filed before the expiration of the motion filing deadline.
7.1(e)	Motion Practice: Order to Show Cause	Modified to reflect the requirement of showing why reasonable advance notice cannot be provided to opposing party.
10.1(c)(2)	Form of Papers	Modified to reflect that a pro se litigant must include complete mailing address on all documents which shall also appear on the docket.

11.1	Appearance and Withdrawal of Attorney	Modified to reflect that a consent to change attorney must be filed by the outgoing attorney, incoming attorney and party.
15.1	Amended and Supplemental Pleadings	Modified to reflect that an Amended Complaint filed before all defendants have appeared must be served on those defendants pursuant to Fed.R.Civ.P. Rule 4.
16.1(d)	Civil Case Management: Subject Matter of Initial Pretrial Conference	Modified to include deadlines for filing non-dispositive motions and expert witness disclosure.
26.2	Filing Discovery	Modified to reflect that discovery to be used as trial exhibits, including deposition transcripts, should be marked as trial exhibits, and not filed on the docket.
38.1	Notation of “Jury Demand” in the Pleading	Modified to clarify that checking the box for jury demand in a civil cover sheet is not sufficient to comply with Fed.R.Civ.P. 38(b).
41.2	Dismissal of Actions	Modified to reflect that both counsel and pro se litigants are required to notify the court of change of address within 14 days of a change.
47.2	Jury Selection	Modified to reflect that jurors referred to by name in Court will be reflected by juror number only in any trial transcripts prepared by the Court Reporter.
65.1	Injunctions and Temporary Restraining Orders	Modified to reflect that a motion for TRO may be commenced using the standard motion procedure or by Order to Show Cause, as appropriate.
72.1	Authority of Magistrate Judge	Modified to reflect there is no filing fee for filing an Appeal of Magistrate Decision, and the briefing schedule for such an appeal.
77.5	Official Newspapers	Modified to update newspaper names and locations.
81.2	Bankruptcy Appeal	Modified to reflect the deadlines for filing an appellant brief, appellee brief and reply brief in a Bankruptcy Appeal.

83.1(d)	Pro Hac Vice Admission	Modified to reflect that an attorney who obtains oral pro hac vice admission must submit all admission papers electronically via PACER.gov and pay the filing fee within 7 days of the date of oral admission.
Criminal 5.1	Notice of Arrest	General Orders 7 and 45 were incorporated into Criminal Local Rule 5.1 to reflect that the Pretrial Services Report prepared by Probation will be lodged on the docket in CM/ECF but not available for public view.
Criminal 31.1	Jury Verdict	Modified to reflect that the parties are required to submit a proposed jury verdict prior to the commencement of trial.
Criminal 32.1	Presentence Report	General Order 45 was incorporated into Criminal Local Rule 32.1 to reflect that the Presentence Investigation Report shall be lodged on the docket in CM/ECF but not available for public view. Objections to be submitted to Probation Officer.
Criminal 32.2	Statement of Reasons & Victim Restitution List	General Orders 4 and 45 were incorporated into Criminal Local Rule 32.2 to reflect that the Statement of Reasons shall be lodged on the docket in CM/ECF but not available for public view.
Criminal 41.1	Search & Seizure Warrants	New Criminal Rule with required documents to obtain a search or seizure warrant; deadline to file search warrant return; and deadline to unseal the case.
Criminal 46.1	Pretrial Services and Release on Bail	General Orders 7 and 45 were incorporated into Criminal Local Rule 46.1 to reflect that Pretrial Services Reports shall be lodged on the docket in CM/ECF, but not available for public view. Release Status Reports are also prepared by Probation and lodged in CM/ECF but not available for public view.
Criminal 49.1(a)	Personal Identifiers	Modified to reflect that a pro se litigant must include complete mailing address on documents filed which will appear on the docket.
Criminal 59.1(a)(3) and (c)(3)	Magistrate Judges	Modified (a)(3) to reflect the procedure and briefing schedule for an Appeal of Magistrate Order, and (c)(3) modified to reflect filing fee for Appeal of Magistrate Judgment of Conviction.
SS L.R. 1.1	Social Security Local Rules	Modified to include a reference to the new Supplemental Rules for Social Security Actions under 42 U.S.C. §405(g).